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6 Attorneys for Defendant

7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 BALDOMERO QUEZADA-MORENO,

13 Defendant.
14

2:11-CR-00341-GMN-PAL

AMENDED
**STIPULATION TO CONTINUE
TRIAL DATES**
(Third Request)

15 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel Bogden, United
16 States Attorney, and Amber Craig, Assistant United States Attorney, counsel for the United States
17 of America, and Rene L. Valladares, Federal Public Defender, and Rebecca Rosenstein, Assistant
18 Federal Public Defender, counsel for defendant BALDOMERO QUEZADA-MORENO, that the
19 calendar call currently scheduled for April 16, 2012, at the hour of 9:00 a.m., and the trial currently
20 scheduled for April 24, 2012, at the hour of 9:00 a.m. be vacated and set to a date and time
21 convenient to this court, but no event earlier than thirty (30) days.

22 This Stipulation is entered into for the following reasons:

- 23 1. A plea offer has been made. Defendant request additional time to review this offer
24 and discuss it with his family.
- 25 2. The defendant is incarcerated and does not object to the continuance.
- 26 3. The parties agree to the continuance.
- 27 4. The additional time requested herein is not sought for purposes of delay, but merely
28 to allow defendant sufficient time review the offer and discuss it with his family.

1 5. Additionally, denial of this request for continuance could result in a miscarriage of
2 justice. The additional time requested by this Stipulation is excludable in computing the time within
3 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States
4 Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A), considering
5 the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

6 This is the third request to continue trial dates filed herein.

7 DATED this the 29th day of March, 2012.

8 RENE L. VALLADARES
9 Federal Public Defender

DANIEL BOGDEN
United States of America

10 */s/ Rebecca Rosenstein*
11 By: _____
12 REBECCA ROSENSTEIN
Assistant Federal Public Defender
Counsel for Defendant

/s/ Amber Craig
By: _____
AMBER CRAIG
Assistant United States Attorney
Counsel for the Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BALDOMERO QUEZADA-MENDOZA,

Defendant.

2:11-CR-341-GMN-PAL

FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. A plea offer has been made. Defendant request additional time to review this offer and discuss it with his family.

2. The defendant is incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow defendant sufficient time review the offer and discuss it with his family.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

This is the third request to continue trial dates filed herein.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the motion deadlines and trial dates.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely

1 to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity
2 within which to be able to effectively and thoroughly prepare for trial, taking into account the
3 exercise of due diligence.

4 The continuance sought herein is excludable under the Speedy Trial Act, title 18, United
5 States Code, Section 3161(h)(1)(D), 3161(h)(7) and Title 18 United States Code, §§ 3161 (h)(7)(A),
6 when the considering the facts under Title 18, United States Code, §§ 316(h)(7)(B) and
7 3161(h)(7)(B)(iv).

8 **ORDER**

9 IT IS THEREFORE ORDERED that the trial briefs, proposed voir dire questions, proposed
10 jury instructions, and a list of the Government's prospective witnesses must be electronically
11 submitted to the Court by the 24th day of May, 2012.

12 IT IS FURTHER ORDERED that the calendar call currently scheduled for April 16, 2012,
13 at the hour of 9:00 a.m., be vacated and continued to May 29, 2012 at the hour of
14 9:00 a.m.; and the trial currently scheduled for April 24, 2012, at the hour of 9:00 a.m., be vacated
15 and continued to June 5, 2012 at the hour of 9:00 a.m.

16 DATED 4 day of April, 2012.

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19 UNITED STATES DISTRICT JUDGE
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